REMARKS

This Amendment is in response to the Office Action dated October 9, 2007. The Examiner therein rejected claims 1-23. Applicant herein amends claims 1-6, and 10.

Claims 1-23 are currently pending. Reconsideration of these pending claims is respectfully requested.

1.   Claim Rejections under 35 U.S.C. § 102

The Examiner rejected claims 1-3, 7, 8, 10, 11, 15, and 21 under U.S.C. § 102(b) as being unpatentable over Kermani, U.S. Patent No. 6,895,514.

Kermani discloses a system that compares "the character sequence of the just entered password as well as the keystroke timing to one or more stored password models." [col. 2, lines 43-45.] The so-called "distance" of the Kermani system may be "calculated as the difference between the *time lapse* between the two adjacent characters as entered by the user minus the mean time lapse of the model divided by the sum of the mean and the standard deviation for that character" (emphasis added) in order to help determine the timing score, TS. [col. 5, lines 62-64; col. 6, lines 14-16.] Moreover, Kermani does not disclose assigning a score based upon the physical, spatial distance of a keystroke to another keystroke. Kermani thus uses the term "distance" in an unconventional manner, referring to a measure of *time* variation.

Meanwhile, Applicant discloses a method for determining potentially fraudulent or randomly entered keystrokes that are located near to each other based on physical *distance* between keystrokes independent of time. [page 1, para. 0007.] Claim 1 includes the step of "assigning a score to succeeding keystrokes after k_1 based on the distance of the keystroke from another keystroke" without relying on a time component.

For example, the name ELLEN may have a string score of $1+6+0+6+4=17$ (based on the number of spaces between the keys), a length of 5 (based on the number of keys depressed to form the string) and thus a normalized string score of $17/5=3.4$. The normalized string score corresponds to *distances* between keystroke locations on a keyboard. [page 2, para. 0011.]

Similarly, independent claims 10, 15, and 21 include the step of assigning a score to a keystroke based upon the distance of the keystroke from another keystroke.

Accordingly, Applicant contends that independent claims 1, 10, 15, 21 and their related dependent claims 2, 3, 7, 8, and 11 are allowable.

II. Claim Rejections under 35 U.S.C. § 103

A.   Claims 4-6, 9, 16, 17, 20, and 23 are rejected under U.S.C. § 103(a) as being unpatentable over Kermani, U.S. Patent No. 6,895,514 in view of Brown, U.S. Patent No. 5,557,686.

Applicant contends independent claims 1, 10, 15, and 21 overcome this rejection as discussed above. Neither Kermani nor Brown discloses, or even contemplates or suggests, assigning a score to a keystroke based upon the distance of the keystroke from another keystroke.

Accordingly, Applicant contends that related dependent claims 4-6, 9, 16, 17, 20, and 23 are allowable.

B.   Claims 12-14, 18, 19, and 22 are rejected under U.S.C. § 103(a) as being unpatentable over Kermani, U.S. Patent No. 6,895,514 in view of Brown, U.S. Patent No. 5,557,686 and in further view of Kroll, U.S. Patent No. 6,405,922.

Applicant contends independent claims 1, 10, 15, and 21 overcome this rejection as discussed above. Neither Kermani, Brown, nor Kroll discloses, or even contemplates or suggests, assigning a score to a keystroke based upon the distance of the keystroke from another keystroke.

Accordingly, Applicant contends that related dependent claims 12-14, 18, 19, and 22 are allowable.
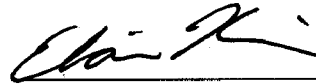
CONCLUSION

In light of the remarks set forth above, Applicant believes that the present application is in form for allowance, and such action is respectfully requested. Should the Examiner have any question, the Examiner is encouraged to telephone the undersigned.

The Commissioner is authorized to charge any additional fees which may be required, including petition fees and extension of time fees, to Deposit Account No. 23-2415 (Docket No. 31718-706.201).

Respectfully submitted,

Date: <u>January 9, 2008</u>   By: _____

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